



# PLANNING COMMISSION

Planning & Development Services Department • 201 N. Stone Ave. • Tucson, AZ 85701

**DATE:** February 13, 2019  
**TO:** Planning Commission  
**FROM:** Scott Clark  
Executive Secretary

**SUBJECT:** C8-18-02 Historic Preservation Zone (HPZ) Height Modification UDC  
Text Amendment – Public Hearing (Citywide)

**Issue** – The purpose of this public hearing is to provide time to deliberate and review material regarding a proposed amendment to the Unified Development Code to allow for modification of building heights and materials for sites that fall within both the Infill Incentive District (IID) and a Historic Preservation Zone (HPZ). This issue was brought to the attention of Mayor and Council and the public through two rezonings in which sites were removed from historic districts in order to allow new development to achieve desired heights that would not have been allowed within an HPZ. Following these rezonings, Mayor & Council directed staff to develop an avenue for reconciling the goals of the HPZ of ensuring compatible development with those of the IID to encourage higher-density development in central areas well-served by transit. Over the past year, staff has conducted an analysis and worked with the associated parties to provide a solution to the limited building heights currently allowed in HPZs. The current proposal would allow building heights up to that of the tallest contributing structure within an HPZ, slightly increasing the maximum building height on a limited number of lots that fall within the IID and an HPZ (Please see Attachment A for an overview of the amendments and a map of affected parcels).

**Recommendation** – Staff recommends that the Planning Commission recommend the approval of the related to the Unified Development Code (UDC) amendment to modify maximum building height on sites within the IID and an HPZ. Please see Attachment B for the proposed amendments to the UDC.

**Background** - Currently, the maximum building height for new building built within an HPZ is set by the height of the tallest existing building within the development zone. A development zone is determined by a certain specific set of criteria that are generally neighboring blockfronts. This limits the height allowed for new construction on sites in an HPZ, including those within the Infill Incentive District, where additional height may be appropriate given the access to transit and a desire for more compact, higher-density development.

On February 22, 2017, the Mayor and Council voted 7-0 to approve the rezoning of the Trinity Presbyterian Church to a Planned Area Development (C9-16-12). To accommodate the applicant's request for a maximum building height of 48 feet and the use of alternative materials, M&C amended the boundary of the West University Neighborhood Historic

Preservation Zone, thus removing the Church from the HPZ. The Baffert rezoning (C9-18-02) in the Armory Park Historic Preservation Zone similarly resulted in a site being cut out of an historic district in order to allow a proposed 48 foot development, where the height would have been restricted to 24 feet. Given the difficulty of the process and concerns raised by the historic preservation community, the Mayor and Council directed staff to initiate a text amendment process to provide a mechanism for processing height adjustments in the HPZ without having to amend the HPZ boundary.

Since the February 22nd meeting, staff has worked with stakeholders including local designers, developers, residents, and a selection of members from the affected HPZ boards to determine an appropriate mechanism for building height adjustments in the HPZ. The option determined to be most reasonable was the following:

- Allows for a building height of up to the tallest existing contributing structure within that HPZ, and alternative building materials if favorably recommended by the Tucson-Pima County Historical Commission (TPC-HC) and the associated local Historic Preservation Zone (HPZ), when located within an HPZ and the Infill Incentive District (IID). In general, this proposed amendment only applies to vacant lots and those utilizing this option must adhere to demolition regulations within both the IID and the applicable HPZ.

The proposal applies to a very limited area and will have an impact only in areas where the IID overlaps with an HPZ. While a total of 79 parcels lay within both the IID and an HPZ, only a total of 17 do not have contributing structures. By HPZ, there are two parcels within both the IID and an HPZ in Barrio Historico, four in Armory Park, six in West University and five in El Presidio. Additionally, the maximum building height would be tied to the tallest contributing structure within that HPZ. This would result in a maximum allowed building height of approximately 48 feet in Armory Park, 48 feet in West University, 36 feet in El Presidio, and 30 feet in Barrio Historico. The stakeholder group recommended this option as the IID is an area that the council has specifically created to direct growth and the provisions of the IID would result in development which is more sensitive to the existing neighborhoods. An exhibit depicting the proposed option was presented to each of the HPZ boards for feedback.

The proposed amendment has received split support amongst the Historic Advisory Boards. Barrio Historico and West University HPZ Boards voted to recommend denial of the proposed amendment; El Presidio voted to recommend approval with the condition that the tallest height allowed was no greater than the tallest contributing structure within the HPZ. Armory Park recommended approval of the amendments as presented. The two HPZ boards (Barrio Historico and West University) that voted against the proposed amendment suggested that even with the revisions offered by El Presidio, they would still recommend denial preferring the applicant go through the rezoning process to remove a property from the HPZ. For a review of the Legal Action Reports from those meetings refer to Attachment C.

On August 8, 2018, Mayor and Council held a Study Session on this item to deliberate and provide additional direction to staff related to the HPZ Height Modification UDC Text Amendment (see Attachment D Legal Action Report). At that meeting they directed staff to

continue with the current text amendment, as-is, and refer it to the Tucson-Pima County Historical Commission Plans Review Subcommittee for a recommendation, then to the Planning Commission for a recommendation to Mayor and Council.

On September 13, 2018 and October 25, 2018 staff presented the proposed HPZ Height Modification UDC Text Amendment to the Tucson-Pima County Historical Plans Review Subcommittee for review and discussion (see Attachment E for Legal Action Reports from those meetings). At the October 25, 2018 meeting, the committee voted 5-0 to recommend to the Planning Commission approval of the revisions to the text amendment to the UDC on height as presented with the following conditions: adopt a specific maximum height for each HPZ; define how height is measured; and ensure that the Plans Review Subcommittee would be part of the review process.

On December 5, 2018, the Planning Commission voted 6-3 to recommend denial of text amendments related to the HPZ building height modification within the IID. However, the Planning Commission requires 7 votes to forward a formal recommendation to Mayor and Council. During their vote, the commission stated concerns about the compatibility of allowing significantly taller buildings than the surrounding neighborhoods and what would be allowed within the HPZ.

On January 8, 2019, Mayor and Council held a public hearing to review the IID Sunset Date and amendments. At that meeting, the Mayor and Council voted to separate out the HPZ building height modification text amendment from the IID amendments, and remand the item back to the Planning Commission for further review. Mayor and Council stated their reason for this was they believed the item would be better suited if it were separated out instead of as a part of the package with the IID Sunset Date.

On January 16, 2019, the Planning Commission held a study session to review the HPZ building height modification text amendment separately from the IID Sunset Date. Staff represented the proposal and the Commission asked questions. The questions related to the scope of the proposal, what properties would be affected, and what would be allowed. At that meeting, the Planning Commission voted 9-0 to set the HPZ building height modification text amendment for a public hearing on February 13, 2019.

**Present Considerations** – Pursuant to the Mayor and Council’s direction and stakeholder input, staff prepared the following draft amendment for review:

**UDC Text Amendment – Historic Preservation Zone Building Height Modification within the Infill Incentive District (IID):** Amendment to HPZ requirements in Sections 5.12.6.E.1 and 5.12.14.A.1 in regards to building height and building materials, when overlapping with the IID. This would allow for modification of the maximum building height up to the tallest contributing structure within the HPZ, and would allow for modification of building materials, subject to review from the Tucson Pima County Historical Commission – Plans Review Subcommittee and the local HPZ board. Please see Attachment A for the proposed amendments to the UDC.

**Attachment**

- A – Overview of amendment and maps of affected sites
- B - Proposed UDC Text Amendment
- C – Summary of Legal Action Reports from HPZ review by HPZ Boards
- D – Legal Action Report from August 8, 2018 Mayor and Council Study Session
- E - Tucson-Pima County Plans Review Subcommittee Legal Action Reports – 9.17.18 and 10.25.18